



COMMONWEALTH of VIRGINIA

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Matthew J. Strickler
Secretary of Natural Resources

Steven G. Bowman
Commissioner

March 20, 2018

Atlantic Coast Pipeline, LLC
Attn: Ms. Leslie Hartz
707 East Main Street, 19th Floor
Richmond, VA 23219

Re: VMRC #2015-1353

Dear Ms. Hartz:

This is to inform you that the Marine Resources Commission, at a special hearing conducted on March 16, 2018, considered the request of Atlantic Coast Pipeline, LLC, to install a natural gas pipeline beneath the bed of 51 non-tidal streams, and/or rivers with drainage areas greater than 5 square miles, 3 tidal streams, and approximately 1.6 acres of tidal wetlands along the designated pipeline corridor in Highland, Bath, Augusta, Nelson, Buckingham, Prince Edward, Cumberland, Nottoway, Dinwiddie, Brunswick, Greenville and Southampton Counties and the Cities of Chesapeake and Suffolk.

The Commission reviewed a staff presentation, all documents in the official record, and carefully considered extensive testimony and arguments in support of and opposition to the proposed project. After careful deliberation of the conditions imposed by the Federal Energy Regulatory Commission, the testimony provided by the speakers, comments from VMRC staff and other agencies, as well as all of the factors contained in §28.2-1205 and §28.2-1302 of the Code of Virginia, the Commission voted 7 to 0 with 1 abstention to approve the permit for the project with the following conditions:

1. With the exception of the six (6) jurisdictional stream crossings proposed to be crossed by the horizontal directional drill method and the proposed wet crossings of Quaker Swamp, Butterwood, Fontaine, Tarrara and Cohoon creeks, all instream construction activities shall be accomplished during low flow periods utilizing dam and pump, flume around or cofferdams constructed of non-erodible materials in such a manner that no more than approximately half the width of the waterway is obstructed at any point in time;

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2. All areas of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within 30 days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into State waters;
3. Erosion and sediment control measures shall be in conformance with the 1992 Third Edition of the Virginia Erosion and Sediment Control Handbook and shall be employed throughout construction;
4. If it is determined that blasting is necessary at any of the crossings, DGIF shall be notified a minimum of 48 hours in advance of the blasting;
5. The Department of Conservation and Recreation shall be contacted for any stream crossings where karst landscape features are encountered during installation for inspection, mitigation and documentation;
6. DGIF shall be contacted for any work in trout waters to avoid conflicts with trout stocking activities;
7. The Permittee agrees to conduct mollusk and fish surveys and relocation efforts in the VMRC jurisdictional waterways, as recommended by DGIF in their collective comments to date, unless specifically waived in writing. All surveys should be performed by a qualified, permitted biologist, no more than six months prior to the start of construction. Any relocations should be coordinated with VDGIF and no federally listed species should be relocated without first coordinating with the USFWS;
8. Permittee agrees to adhere to the instream work time-of-year restrictions for the 51 non-tidal jurisdictional stream crossings, with the exception of Stuart Run and Back Creek, as recommended by DGIF to protect state and federally listed mussel and fish species, unless specifically waived in writing;
9. Permittee agrees to adhere to the Spill Prevention, Control, and Countermeasure (SPCC) Plan updated in the FEIS in October 2017;
10. A "frac-out" contingency plan must be provided for any crossings utilizing the directional drill method to address potential frac-outs or related spills associated with any directional drilling activities of streams or tidal wetlands. The use of any additives to the drilling fluid by the HDD contractor must comply with the Department of Environmental Quality's approval and 401 Certificate for this project;

11. The Permittee shall revegetate any tidal wetland areas damaged by unintentional returns of drilling fluid, resulting from frac-outs, and all open-cut crossings of tidal wetlands with the appropriate native tidal wetlands species. Areas above mean high water may be seeded; areas below mean high water shall be sprigged on eighteen-inch centers. These sites shall be monitored for 5 years to ensure a minimum of 80% vegetative cover is established;
12. Permittee shall, for the proposed open cut crossings of Quaker Swamp, Butterwood, Fontaine, Tarrara and Cohoon creeks, comply with the erosion and sediment control measures outlined in the April 13, 2017, memorandum, from Environmental Resources Management (ERP) to Dominion, as well as to the FERC Wetland and Waterbody Construction and Mitigation Procedures. Any trench excavation for the subject waterways may be initiated only after verifying that no significant rainfall events are forecasted for the time necessary to complete the open cut trench, pipe installation and backfilling operations.

The Commission additionally assessed a one-time royalty in the amount of \$28,932.00 for the encroachment of the proposed pipeline beneath 9,644 linear feet of State-owned subaqueous land at a rate of \$3.00 per linear foot.

Two copies of your draft permit will be prepared and forwarded to you for your review, signature and return, along with the necessary permit fees.

Should you have any questions regarding this matter, please feel free to contact me at (757) 247-2251.

Sincerely,



Randal D. Owen
Deputy Chief, Habitat Management

RDO/lra
HM

cc: Mr. Stephen G. Bowman, Commissioner
Ms. Kelci Block, Assistant Attorney General
Agent